

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Garland Walton,

Civil 07-2121 MJD/FLN

Petitioner,

v.

O R D E R

C. Holinka, Warden,

Respondent

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Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Franklin L. Noel dated January 18, 2008, and all the files and records, and no objections having been filed to said Report and Recommendation,

**IT IS HEREBY ORDERED** that Respondent's motion to dismiss as moot Petitioner's 28 U.S.C. Section 2241 Petition [#12] is GRANTED, and Petitioner's Petition for Habeas Corpus [#1] is DISMISSED as moot.

DATED: February 21, 2008.  
at Minneapolis, Minnesota

s/Michael J. Davis  
JUDGE MICHAEL J. DAVIS  
United States District Court